



## **CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE**

**DATE/TIME: Monday, February 23, 2009  
7:00 p.m.**

**LOCATION: Police Department Auditorium  
870 Santa Barbara Drive**

Roll Call

1. Minutes of January 26, 2009 (*attachment*)
2. Report from Membership Subcommittee, and Committee recommendations to City Council on appointments to fill vacancies in Community Association category
3. Appointments to Marina Park Subcommittee, and review assignments (*attachment*)
4. Report on leaf blower regulation research, and discussion of possible next steps (*attachment*)
5. Report on smoking bans, and discussion of possible next steps (*attachment*)
6. Task Force on Green Development Representatives' Report
7. Coastal/Bay Water Quality Committee Representatives' Report
8. Economic Development Committee Representative's Report
9. Report from Staff on Current Projects
10. Public Comments
11. Future Agenda Items
12. Adjournment

**NEXT MEETING DATE: March 16, 2009**

\*Attachments can be found on the City's website <http://www.city.newport-beach.ca.us>. Once there, click on **Agendas and Minutes** then scroll to and click on **Environmental Quality Affairs**. If attachment is not on the web page, it is also available in the City of Newport Beach Planning Department, 3300 Newport Boulevard, Building C, 2<sup>nd</sup> Floor.



## CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

### DRAFT MINUTES 1-26-09

Draft minutes of the Environmental Quality Affairs Committee held at the City of Newport Beach City Council Chambers, 3300 Newport Boulevard, on **Monday, January 26, 2009.**

#### Members Present:

X	Nancy Gardner, Council Member	X	Barbara Thibault
X	Michael Henn, Council Member	X	Laura Curran
X	Kenneth Drellishak, Chair	E	Vincent Lepore
X	Kimberly Jameson	X	Sandra Haskell
X	Kevin Kelly	X	Arlene Greer
X	Michael Pascale	X	Barry Allen
X	Michael Smith	E	Kristine Adams
X	Jeff Herdman	X	Timothy Stoaks
X	Nick Roussos		
X	Joan Penfil		
X	Bruce Asper		Ray Halowski
X	Merritt Van Sant	X	Michael Alti

#### Staff Representatives:

#### Guests:

X	Sharon Wood, Assistant City Manager	Laura Dietz Lauren Kilbride
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Chairperson Ken Drellishak called the meeting to order at 7:05 p.m. New members Nick Roussos and Jeff Herdman introduced themselves. Outgoing member Laura Dietz spoke about the history of EQAC and advised members to serve on subcommittees, share ideas and keep working on green issues.

1. Minutes of December 15, 2008

Arlene Greer moved to approve the minutes of December 15, 2008. Kevin Kelly seconded the motion.

#### Motion passed unanimously

2. Report on leaf blower regulation research, and discussion of possible next steps

Michael Pascale summarized his written report. Council member Gardner noted that Alternatives 2 and 3 are interesting. Chairperson Drellishak commented on other cities that

have leaf blower ordinances, and a report prepared by the California Air Resources Board that had no recommendations. Michael Smith moved that the item be continued to the meeting of February 23 so that additional research on other cities can be completed. Chairperson Drellishak seconded the motion.

**Motion passed unanimously**

3. Task Force on Green Development Representative's Report

Council member Gardner reported that the Task Force is still working on Building code amendments. Arlene Greer and Kevin Kelly reported on communications efforts. By consensus, the Committee indicated support for the direction the Task Force is taking.

4. Report from Membership Subcommittee, and Committee recommendations to City Council on appointments to fill vacancies

The subcommittee reported that one applicant, Charles McKenna, qualifies for the Environmental Expertise position, and recommended him to the Committee. Other applicants appear to be good candidates for EQAC, but do not meet the requirements for current vacancies. Merritt Van Sant moved that the appointment of Charles McKenna be recommended to the City Council. Michael Smith seconded the motion.

**Motion passed unanimously**

5. Coastal/Bay Water Quality Committee Representative's Report

Council member Gardner reported that City Council has adopted an ordinance limiting the time that boats may anchor at Big Corona. She also reported on a new State law regarding permit requirements for landscape projects related to MWD water conservation regulations, and that reductions in the County budget have created an opportunity to review protocols for testing water quality.

6. Economic Development Committee Representative's Report

Chairperson Drellishak and Council member Henn reported that one of EDC's members has been installed as President of the Tournament of Roses, which will help Newport Beach in hosting teams for the 2010 Rose Bowl football game; and that EDC received a report from Administrative Services Director Dennis Danner on the City's budget at their January meeting.

7. Report from Staff on Current Projects

Sharon Wood reported that the Marina Park DEIR will be the next to be reviewed by EQAC; and that there are several EIRS on public and private projects under preparation.

8. Public Comments

None

9. Future Agenda Items

February 23

- Report on leaf blower regulation research
- Appointment of Marina Park subcommittee\
- Potential ban on outdoor smoking

Future

- Report from OCSD on “toilet to tap” project

10. Adjournment

Chair Drellishak adjourned the meeting at 8:45 p.m.

REVIEW ASSIGNMENTS  
MARINA PARK DRAFT DEIR  
FEBRUARY 2009

<u>Section</u>	<u>Title</u>	<u>Assignment*</u>
1.	Introduction	Drellishak/all
2.	Executive Summary	Drellishak/all
3.	Project Description	Drellishak/all
4.	Environmental Setting	Drellishak/all
5.	Environmental Impact Analysis	
	5.1 Aesthetics	Thibault/Penfil
	5.2 Air Quality	Adams
	5.3 Biological Resources	Curran
	5.4 Cultural Resources	Asper
	5.5 Geology and Soils	Stoaks
	5.6 Hazards and Hazardous Materials	Haskell
	5.7 Hydrology and Water Quality	Halowski
	5.8 Land Use and Planning	Kelly
	5.9 Noise	Jameson
	5.10 Public Services	Greer
	5.11 Transportation and Traffic	Smith
	5.12 Utilities and Service Systems	VanSant
6.	Alternatives to the Proposed Project	All
7.	Other CEQA Considerations	Drellishak

\*Please review your section and portions of Chapters 1,2,3 and 6 that relate to your topics.

## **DRAFT**

To: City of Newport Beach Mayor and City Council

February 2009

From: Environmental Quality Affairs Citizens Advisory Committee (EQAC)

Subject: Potential Ordinance to Ban Leaf Blowers in Newport Beach

### **BACKGROUND**

Gas-powered and electrically-operated leaf blowers, vacuums and mulchers are widely used and have been this subject of significant objections by residents who experience the noise, combustion products and fugitive dust produced by such equipment. The California Air Resources Board (Ref. 1) recognized the potential health impacts of using this equipment by the operators and others in the vicinity. They recommended use of safety equipment by the operators ( e.g. filtered masks, earplugs, safety glasses), but suggested further study on the potential hazards beyond the operator. Other environmental groups including ZAP (Zero Air Pollution, Ref. 2) have encouraged more restrictions on such equipment because of the potentially harmful and nuisance effects to nearby non-operators due to noise, combustion- product air pollution and fugitive dust (containing PM10 and PM2.5 particulates, animal fecal matter, plant spores, garden chemicals, fungi etc.), all of which are felt well beyond the immediate area of operation.

### **SITUATION**

Newport Beach and other densely populated areas are particularly susceptible to the secondary effects of the use of portable leaf blowers/mulchers. As a result, it is

estimated (Ref. 3) that up to 100 California cities have imposed bans or restrictions on their use in their communities. These have taken the form of total and complete bans (as in Laguna Beach) or stringent restrictions (as in Palo Alto and Los Angeles). Other actions include ordinances requiring training and use of safety equipment by operators, relief for use in industrial/commercial areas versus residential areas and allowance for use of electric but not gas-powered equipment.

These municipal controls have led to objections by equipment suppliers and user groups and there have been unsuccessful attempts in Sacramento to prevent municipalities from imposing bans or restrictions. As a result, restrictive ordinances are now under consideration by more communities even though equipment suppliers have introduced newer equipment (see Table) to try to alleviate some objections.

Equipment Table

Provided by

M. Pascale, Jr.

## **EXAMPLES**

EQAC has performed a limited internet search to determine current status of some ordinances. Apparently because of the difficulty in quantifying the air pollution and

fugitive dust components of the problem, all existing controls are focused on the health hazards or nuisance concerns of noise and are contained within the Municipal Codes related to noise.

Los Angeles: Has had existing ordinance No. 171890 since 1998. See Los Angeles Municipal Code Chapter XI (Noise Regulation, Article 2, Special Noise Sources), Section 112.04 (Distance Restrictions). The last change code for this was dated 6/10/2005. Equipment cannot operate within 500 feet of a residence if the equipment exceeds 65 db(A) at 50 feet from the equipment. We have received no input on compliance/enforcement issues.

Palo Alto: Has had an ordinance since 2005 amending Municipal Code Title 9 (Peace, Morals and Safety), Chapter 9.10 (Noise), Item 9.10.030 (Residential Property Noise Limits). It bans gas-powered and electrically-operated equipment with noise level more than 6db above local ambient, but allows electrically operated blowers powered by gas powered electrical generators which are compliant with local noise ordinances. Enforcement has been more complicated and expensive than desired according to an August 7, 2006 status report by the Palo Alto City Manager (Ref. 4).

Laguna Beach: Ordinance 1259 amended Municipal Code Title 7 (Health and Sanitation), Section 7.25.071, Item D to now read as follows: "The use of electrical or gas powered blowers, such as used by gardeners and other persons for cleaning lawns, yards, driveways, gutters and other property is prohibited at any time within the city



limits”. This is the most complete, least equivocal position we have seen. Compliance Officer, Joe Trujillo (949-497-0301) stated in a telephone interview that “in two years on the job I have had no more than 3 or 4 complaints. We have had negligible compliance problems and good community support. If we see a potential problem while on patrol, we hand out a copy of the ordinance and it is solved then and there.”

## **RECOMMENDATION**

Research shows that ordinances to ban or control leaf blowers have been successfully implemented in other communities in California. Compliance enforcement experience varies widely among communities, with the most successful compliance apparently occurring in the city with the most restrictive ordinance – Laguna Beach. EQAC recommends that the city of Newport Beach proceed toward implementing a similar ordinance. The following steps are recommended:

1. Direct Staff to confirm above findings and expand the database with other communities as needed.
2. Write a simple Noise ordinance with no exceptions aimed at residential users.
3. Include adequate public notice lead-time for local users to learn about the ordinance and plan for alternate methods of cleanup.
4. Plan to implement on the effective leaf blower ban ordinance for residential areas within the city limits of Newport Beach within 1 year from now.

## **REFERENCES**

1. California Air Resources Board, “A Report to the California Legislature on the Potential Health and Environmental Impacts of Leaf Blowers”, Feb. 2000
2. Zero Air Pollution web site: [zapla.org](http://zapla.org)
3. Citizens for a Cleaner, Better Lincoln web site: [ccblincoln.com](http://ccblincoln.com) (other cities and towns heading).
4. Palo Alto City Manager Interim Report to City Council, “Gas-Powered Leaf Blower Ban Enforcement – One Year Status Report”, Aug. 7, 2006

## SUMMARY OF PRELIMINARY SMOKING BAN RESEARCH

February 23, 2009

City	Smoking Ban
Baldwin Park	City-owned facilities including parks, service areas and dining areas, indoor and outdoor
Beverly Hills	Outdoor dining areas
Burbank	Parks, city facilities, Downtown Burbank pedestrian areas, outdoor dining areas, outdoor service areas, outdoor shopping areas, bikeways, outdoor events, residential common areas
Calabasas	Public places; places of employment; multi-family common areas; hotel, restaurant and bar public areas, enclosed and unenclosed
Culver City	Outdoor dining areas
Glendale	City property, places of employment, enclosed and unenclosed public places, multi-family common areas
Los Angeles	Indoor dining areas
San Luis Obispo	Enclosed public places
Santa Monica	Parks, beaches, pier, Third Street Promenade, Farmers' Market, outdoor dining areas
South Pasadena	City facilities and parks, enclosed public places, outdoor dining areas, places of employment